

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAYQUAN MOSLEY,

Plaintiff,

v.

WARDEN CARTER, N.T.C./D.O.C./V.C.B.C.;
CAPTAIN GUERRA, N.T.C./D.O.C./V.C.B.C.;
CAPTAIN JOHN DOE, N.T.C./D.O.C./V.C.B.C.;
and
CAPTAIN HORTON, N.T.C./D.O.C./V.C.B.C.;

Defendants.

ORDER

21-cv-9044 (ER)

Ramos, D.J.:

On October 20, 2021, while incarcerated at the Vernon C. Baine Correctional Center, Tayquan Mosley filed this *pro se* action alleging defendants violated his federal constitutional rights. Doc. 3.

On December 9, 2021, this Court issued an Order of Service directing the New York City Law Department to provide Mosley and the Court with the identity and badge number of defendant “Captain John Doe” within 60 days. Doc. 7. The Court also directed Mosley to file an amended complaint—naming the newly identified individual—within 30 days of receiving the information. *Id.* Pursuant to the Order, on February 3, 2022, Assistant Corporation Counsel Copatrick Thomas provided Mosley with the names of various captains who supervised the Vernon C. Bain Center intake process on the day Mosley’s allegations arose. Doc. 11. As such, Mosley should have filed an amended complaint 30 days later, by March 7, 2022. However, Mosley did not submit an amended complaint.

On July 1, 2022, after nearly five months of inactivity, defendants filed a letter requesting that the Court issue an Order directing Mosley to file an amended complaint. Doc. 11. This

Court granted that request and ordered Mosley to file an amended complaint by August 19, 2022. Doc. 12. Mosley did not do so.

Recognizing Plaintiff's *pro se* status, the Court gave Mosley until November 30, 2022 to file his amended complaint or seek an extension of time in a sua sponte order. Doc. 15. In this November 9, 2022 Order, the Court advised Plaintiff that failure to file an amended complaint on or before November 30, 2022 would result in dismissal of the complaint for lack of prosecution. *Id.*

To date, Plaintiff has done neither. Accordingly, the Court dismisses this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith; therefore, *in forma pauperis* status is denied for purposes of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is respectfully directed to close the case and mail a copy of this Order to Plaintiff.

It is SO ORDERED.

Dated: December 1, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.